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| 25297 7590 07/16/2009 JENKINS, WILSON, TAYLOR & HUNT, P. A. Suite 1200 UNIVERSITY TOWER 3100 TOWER BLVD., DURHAM, NC 27707 | | | | |
| EXAMINER | | | | |
| FIELDS, BENJAMIN S | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,778

Applicant(s)

WHITING ET AL.

Examiner

BENJAMIN S. FIELDS

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 25 June 2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. Upon further review of the arguments provided by the Applicants in the After Final Amendment filed 12 June 2009, the FINAL Office action mailed 4 June 2009 has been withdrawn. The prosecution of this application is hereby reopened.

/Kambiz Abdi/
Supervisory Patent Examiner, Art Unit 3692

2. The following is a **NON-FINAL** Office Action in response to the communication received on 12 June 2009. Claims 1-50 are pending in this application.

Response to Amendments

3. Applicants Amendments to Claims 1-50 has been acknowledged in that: **NO Claims have been newly cancelled; NO Claims have been newly amended; NO Claims have been newly added;** hence, as such, **Claims 1-50 are pending in this application.**

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bent et al. (US PG Pub. No. 2006/0212385), [hereinafter Bent] and Jacobsen (US PG Pub. No. 2003/0023529), [hereinafter Jacobsen] in view of Sheehan et al. (US Pat. No. 7,328,179), [hereinafter Sheehan].

Referring to Claim 1: Bent in combination with Jacobsen teach a method for facilitating financial transactions between depositor groups and commercial banks, the method comprising: (a) determining, using a control center with at least one computer, deposit needs of a plurality of depositor groups (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (c) notifying, using the control center with the at least one computer, commercial banks of the availability of the stable funds source and an amount of funds available in the stable funds source (Bent: Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (e) determining, using the control center with the at least one computer, an amount of money collectively needed by the different commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); (f) receiving, using the control center with the at least one computer, account postings from the commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025); and (h) allowing, using the control center with the at least one computer, the depositor groups to withdraw funds from the accounts on a demand basis without penalty (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025)(Jacobsen: Abstract; Figures 1-4; Page 1, Paragraph 0006-Page 2, Paragraph 0037).

Bent in combination with Jacobsen, however, does not expressly disclose (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits; (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source; (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, **using the control center with the at least one computer**, funds from the stable funds source in the accounts.

Sheehan, in a similar environment, discusses (b) aggregating, using the control center with the at least one computer, the deposit needs of the depositor groups to provide a stable funds source usable by a plurality of different commercial banks as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (d) setting, using the control center with the at least one computer, an interest rate to be paid to the depositor groups to a predetermined value based on an interest rate that the commercial banks are willing to pay for the stable funds source and an interest rate the depositor groups expect as a return for use of funds in the stable funds source (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9,

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Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32); (g) communicating, using the control center with the at least one computer, the interest rate to be paid to the depositor groups and the amount of money collectively needed by the different commercial banks to the depositor groups, receiving deposits, and depositing, using the control center with the at least one computer, funds from the stable funds source in the accounts (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Bent in combination with Jacobsen for money fund banking with multiple banks and/or rates and a method and apparatus for fully insuring large bank deposits with the features of Sheehan for a system for determining a useful life of core deposits and interest rate sensitivity thereof for the purpose of allowing a bank the ability to report the funds deposited within accounts as core deposits and utilize such funds for additional monetary gain (Sheehan: Abstract; Column 3, Lines 17-56).

Referring to Claim 2: Bent discusses a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of trust departments at commercial banks and wherein aggregating the deposit needs includes aggregating funds from the trust departments at multiple different commercial banks (Bent: Page 2, Paragraph 0018-Page 3, Paragraph 0027; See Claims).

Referring to Claim 3: Bent in combination with Jacobsen teaches the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly disclose a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different municipalities and wherein aggregating the deposit needs includes aggregating funds from the municipalities.

Sheehan, in a similar environment, shows a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different municipalities and wherein aggregating the deposit needs includes aggregating funds from the municipalities (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claim 4: Bent in combination with Jacobsen discusses the limitations of Claim 1.

Bent, however, does not expressly disclose a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different pension funds and wherein aggregating the deposit needs includes aggregating funds from the pension funds.

Jacobsen, in a similar environment, shows a method wherein determining deposit needs of a plurality of depositor groups includes determining deposit needs of different pension funds and wherein aggregating the deposit needs includes

aggregating funds from the pension funds (Jacobsen: Abstract; Page 1, Paragraph 0006-Page 5, Paragraph 0081).

Referring to Claim 5: Bent in combination with Jacobsen teaches the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly show a method wherein notifying commercial banks of the availability of the stable funds source includes posting an amount of funds available and the interest rate on a website accessible by the commercial banks.

Sheehan, in a similar environment, teaches a method wherein notifying commercial banks of the availability of the stable funds source includes posting an amount of funds available and the interest rate on a website accessible by the commercial banks (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claim 6: Bent in combination with Jacobsen shows the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly disclose a method wherein notifying the commercial banks of the availability of the stable funds source includes automatically emailing the commercial banks of the amount of funds available and the interest rate at which the funds are available.

Sheehan, in a similar environment, shows a method wherein notifying the commercial banks of the availability of the stable funds source includes automatically emailing the commercial banks of the amount of funds available and the interest rate at which the funds are available (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claim 7: Bent in combination with Jacobsen shows the limitations of Claim 1.

Bent, in combination with Jacobsen, however, does not expressly discuss a method wherein setting the interest rate to be paid to the depositor groups to a predetermined value includes setting the interest rate to a value below the interest rate that the commercial banks are willing to pay for the funds.

Sheehan, in a similar environment, teaches a method wherein setting the interest rate to be paid to the depositor groups to a predetermined value includes setting the interest rate to a value below the interest rate that the commercial banks are willing to pay for the funds (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claim 8: Bent shows a method wherein receiving account postings and depositing funds in the accounts include establishing a custodian [administrator] to manage cash flow into and from the accounts (Bent: Abstract; Page 1, Paragraph 0005-Page 3, Paragraph 0025).

Referring to Claim 9: Bent teaches a method wherein allowing the depositor groups to withdraw funds on a demand basis includes providing a web interface for the depositor groups to access funds in one dollar dominations on a daily basis without penalty (Bent: Abstract; Claims 350-357).

Referring to Claim 10: Bent discloses a method comprising receiving incoming deposits and withdrawal requests from the depositor groups, satisfying the incoming withdrawal requests using the incoming deposits, and updating account records to change ownership of deposited funds without withdrawing funds from the commercial banks (Bent: Abstract; Figures 1-3; Page 1, Paragraph 0005-Page 3, Paragraph 0025).

Referring to Claim 11: Claim 11 parallels the limitations of Claim 9. As such, Claim 11 is rejected under the same basis as is Claim 9 as mentioned supra.

Referring to Claim 12: Sheehan discusses a method wherein depositing funds in the accounts includes depositing funds in excess of a federal deposit insurance limit from a single depositor group in an account of a single commercial bank and providing federal deposit insurance or a collateral for the entire deposit (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claim 13: Sheehan shows a method wherein the commercial banks report the funds deposited in the accounts as core deposits (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claims 14-15, 20-25 and 49: Claims 14-15, 20-25 and 49 are directed towards a computer program product for Claims 1-2, 7-12 and 48. As such, Claims 14-15, 20-25 and 49 are rejected under the same basis as are Claims 1-2, 7-12 and 48 as mentioned supra.

Referring to Claims 16-19, and 26: Claims 16-19 and 26 are directed towards a computer program product for Claims 3-6 and 13. As such, Claims 16-19 and 26 are rejected under the same basis as are Claims 3-6 and 13 as mentioned supra.

Referring to Claim 48: Sheehan shows a method wherein the depositor groups comprise depositor groups and wherein the accounts comprise master negotiated order of withdrawal accounts (Sheehan: Abstract; Figures 1, 3, 5; Column 3, Line 44-Column 5, Line 38; Column 9, Line 31-Column 10, Line 21; Column 15, Line 37-Column 17, Line 32).

Referring to Claims 27-47 and 50: Claims 27-47 and 50 are the system for the method of Claims 1-2, 7-12 and 48. As such, Claims 27-47 and 50 are rejected under the same basis as are Claims 1-2, 7-12 and 48 as mentioned supra.

Response to Arguments

6. Applicants arguments filed 12 June 2009 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the **new grounds of rejection**.

Conclusion

7. Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin S. Fields
9 July 2009

/Harish T Dass/
Primary Examiner, Art Unit 3692